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REMARKS

In response to the final Office Action mailed February 16, 2006, the Attorney for the Assignee submits the appended amendments and remarks. A Request for Continued Examination (RCE) and fee are filed concurrently herewith. Claims 1 and 22 are amended by the present response to clarify the claimed invention. After entry of the amendments and remarks, claims 1-27 remain pending in the present application. The recent Office Action rejected claims 1-4, 7-15, 17-22 and 24-27 under 35 U.S.C. § 103(a) as being unpatentable over *Perry, et al.* (U.S. Patent No. 6,168,647) in view of *Hammes* (U.S. Patent No. 6,001,145). The Office Action also rejected claims 5, 6, 16 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Perry, et al.* in view of *Hammes* and further in view of *Marchart et al.* (U.S. Patent No. 6,881,238). The present amendment and response is believed to traverse all of these rejections, and allowance of the pending claims is kindly requested.

These and other arguments are presented in the remarks below.

I. REJECTION OF CLAIMS 1-4, 7-15, 17-22 AND 24-27 UNDER 35 U.S.C. § 103

The Office Action rejected claims 1-4, 7-15, 17-22 and 24-27 under 35 U.S.C. § 103(a) as unpatentable over *Perry, et al.* (U.S. Patent No. 6,168,647) (hereinafter "*Perry*") in view of *Hammes* (U.S. Patent No. 6,001,145) (hereinafter "*Hammes*"). The combination of *Perry* and *Hammes* does not teach or suggest all of the elements of claims 1-4, 7-15, 17-22 and 24-27.

A. *Perry* and *Hammes* Do Not Teach or Suggest All Elements of the Claims

Perry relates to a horizontally oriented internal filter element within a gas pressurized vessel or multi-stage vessel. See Col. 3, lines 23-24, 36-37. The filter element is sandwiched in a filter guide and a seal is formed between the filter element and filter guide by compressing a flexible large-diameter end of a chevron-type (or O-ring) seal toward a seal base portion and against the filter guide. See Col. 7, lines 59-65. The seal in *Perry* is essentially a chevron-type seal made of an elastomer, or may be also be an O-ring, and permits a fluid tight seal to be formed between the first stage 21a and second stage 21b of the multi-stage vessel. Col. 7, lines 31-43, 61-65. Contrary to the arguments advanced

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in the Office Action, *Perry* does not disclose or suggest providing a guide associated with an air circulation system, wherein the guide comprises a load bearing surface. In contrast, the large-diameter end 113 of the seal in *Perry* is flexible and can be compressed toward seal base portion 105 and against the filter guide 27. As such, the filter guide 27 in *Perry* does not include a corresponding load-bearing surface, wherein a portion of the weight of the air circulation component is transferred from the contact surface to the load bearing surface. Accordingly, the large-diameter end of the seal is not a guide and, since it is flexible and compressed to form a fluid-tight seal itself, does not provide a load-bearing surface.

The Office Action acknowledges that *Perry* does not include "a notch associated with a leading portion of an air circulation component, wherein the notch comprises a contact surface." See Office Action, p. 3, lines 1-3. Instead, the Office Action relies on *Hammes* to allegedly disclose this element.

Hammes relates to a series of vertically stacked filtration modules (5, 7, 9, 11, 13). *Hammes* includes a pair of pivoting levers (18, 19), which can pivot from a lower portion of a base (2) and can clamp to opposing sides of the vertical stack of filtration modules (5, 7, 9, 11, 13). Each pivoting lever (18, 19) includes an inwardly directed pivoted arm (25, 26) with an extension (50). The inwardly directed pivoted arms (25, 26) and extension (50) can engage a groove (49) disposed in the interspace between upper module (9) and intermediate module (7). When the pivoting levers (18, 19) are rotated away from the vertical stack of filtration components (5, 7, 9, 11, 13), the movement of the extension (50) causes the upper and intermediate modules (7, 9) to be lifted above the lower module (5) thereby facilitating removal of lower module (5) from the vertical stack. Due to the vertical orientation of the filtration modules (5, 7, 9, 11, 13) during operation of the components, neither the weight of the upper or the intermediate modules (7, 9) themselves or the contact between the extension (50) and the groove (49) creates any sealing pressure adjacent to the trailing portion of the upper module (9). Instead, the sealing pressure on the trailing edge of the upper module (9) may be caused by the weight of modules (11, 12, 13, 14) stacked above and in close proximity to the upper module (9) rather than any contact between the pivoted arm (25, 26) and extension (50) with the groove (49).

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Thus, *Hammes* fails to disclose or suggest use of a filter with a notch or any other contact surface, wherein a portion of the weight of the housing transfers between the surfaces and causes a sealing pressure adjacent to a trailing portion of the housing and against a portion of the air circulation system. In particular, *Hammes* fails to disclose or suggest the element of claim 1, "wherein the portion of the weight of the air circulation component transferred between the surfaces causes a sealing pressure adjacent to a trailing portion of the air circulation component and against a portion of the air circulation system." Moreover, independent claims 12 and 22 include similar elements, which are neither taught nor suggested by *Hammes*, for at least the reasons provided above.

B. Apparent Lack of Motivation to Combine Perry and Hammes

As discussed above, the alleged combination of the chevron-type (or O-ring) seal in *Perry* with the use of the respective inwardly directed arms and extensions positioned on pivoting levers in *Hammes* would not provide a combination that discloses or suggests the Applicants' claimed invention.

Even if the cited references could be allegedly combined or modified, the resultant combination could not be rendered obvious unless the prior art suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). As discussed above, *Perry* relates to a horizontally oriented internal filter element within a gas pressurized vessel or multi-stage vessel. See Col. 3, lines 23-24, 36-37. The filter element is sandwiched in a filter guide and a seal is formed between the filter element and filter guide by compressing a flexible large-diameter end of a chevron-type (or O-ring) seal toward a seal base portion and against the filter guide. See Col. 7, lines 59-65. In contrast, *Hammes* relates to a vertically oriented stack of filtration modules, wherein a pair of pivoting levers clamps the stack of modules in close proximity to each other. Respective inwardly directed arms and extensions positioned on the pivoting levers assist in lifting the modules when the pivoting arms are rotated away from each other.

One skilled in the art would lack the motivation or suggestion within the references themselves to combine the extension and groove combination described by *Hammes* with the *Perry* filter since there would be no need to utilize *Hammes*' vertical lifting

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functionality of the extension and groove combination with *Perry*'s horizontally arranged filter element and chevron-type (or O-ring) seal.

In contrast, Applicants' claimed apparatus uses a notch and guide combination to improve the sealing capability between a filter and a housing. Neither *Hammes* nor *Perry* provides any motivation or suggestion that use of a notch associated with a leading portion of an air circulation component, wherein the notch comprises a contact surface, and a guide associated with an air circulation system, wherein the guide comprises a load bearing surface can improve the sealing capability between an air circulation component, such as a filter and a housing associated with an air circulation system. Thus, the obviousness rejection cannot stand due to the lack of suitable motivation or suggestion in the cited references.

II. REJECTION OF CLAIMS 5, 6, 16 AND 23 UNDER 35 U.S.C. § 103

The Office Action rejected claims 5, 6, 16 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Perry* in view of *Hammes*, as applied above, and further in view of *Marchart et al.* (U.S. Patent No. 6,881,238).

Claims 5, 6, 16, and 23 are ultimately dependent from at least one of the amended independent claims 1, 12, and 22. Because arguments for patentability have been advanced for the underlying base claims, claims 5, 6, 16, and 23 should be allowable over the cited references for at least the reasons provided above.

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CONCLUSION

Claims 1-27 are pending in the application. The Office Action rejections have been traversed by the present response. Claims 1-27 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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